

REMARKS

The undersigned thanks Examiner Benenson and Examiner Sircus for the personal interview on October 22, 2003. Claim 1 and U.S. Patent No. 5,585,611 (Harvey) was discussed at the interview. The substance of the interview is presented in the following remarks relating to Harvey and claim 1. Though an agreement was not reached as to whether the claims were allowed, applicant thanks the Examiners for the indication that the rejection of claims 1-3, 6-9, 11, and 13 in view of Harvey would be withdrawn.

Additionally, applicant thanks the Examiner for the indication that claims 4, 5, 10, and 12 recite allowable subject matter. Claims 1-13 are pending with claim 1 being independent. Claims 14-22 have been previously withdrawn.

In response to the Examiner's objection to the drawings, applicant has amended Figs. 1-3 to include the legend BACKGROUND ART. Accordingly, applicant requests withdrawal of this objection.

Claims 1-3, 6-9, 11, and 13 have been rejected as being anticipated by or obvious over U.S. Patent No. 5,585,611 (Harvey). Applicant requests withdrawal of this rejection because, as discussed during the interview, Harvey fails to describe or suggest a current sensor attached to the base with a support element in combination with a housing positioned on the base to encapsulate the support element, as recited in claim 1, and because the Examiner has improperly combined two different implementations from a single reference (Harvey) in issuing an anticipation rejection.

Harvey describes two different implementations of a switchgear. The first implementation (shown in Fig. 1) is made of first and second bodies 14a, 14b, and the second implementation (shown in Fig. 2) is made of a single body 14. See Harvey at Figs. 1 and 2. The Examiner points to the second body 14b of the first implementation described in Harvey as showing a support element and the body 14 of the second implementation described in Harvey as showing a housing that encapsulates the support element, which according to the Examiner, is the second body 14b. However, the body 14 of the second implementation does not encapsulate the second body 14b.

As Harvey explains, the "interrupter switch 12 and condition sensing device 32 are embedded within the respective solid dielectric bodies 14a, 14b during suitable molding operations." See Harvey at col. 3, lines 58-60. Thus, in the first implementation, the second body 14b performs the dual function of supporting and housing the current transformer 32. In the first implementation, Harvey fails to describe or suggest a support element and a housing that encapsulates a current sensor. Rather, the second body 14b performs both of these functions. Additionally, the second body 14b cannot serve as a support element and at the same time serve as a housing that encapsulates the support element.

Harvey explains that, in the second implementation, the "interrupter switch 12 and the condition sensing device 32 are both embedded within a single body 14 of solid dielectric material" See Harvey at col. 4, lines 60-63. Thus, in the second implementation, the single body 14 performs the dual function of supporting and housing the current transformer 32. In the second implementation, Harvey fails to describe or suggest a support element and a housing that encapsulates a current sensor. Rather, the single body 14 performs both of these functions. Moreover, the single body 14 cannot serve as a support element and at the same time serve as a housing that encapsulates the support element.

Perhaps realizing such a paradox, the Examiner attempts to combine the two implementations of Harvey in making the rejection, stating that the second body 14b of the first implementation in Fig. 1 is a support element and the single body 14 of the second implementation in Fig. 2 is a housing that encapsulates the support element, that is, the second body 14b. Such a combination is not permissible under a rejection issued on 35 U.S.C. 102(b). Moreover, such a combination, even if validly made, would result in no more than either of the first or second implementations. As discussed above, neither implementation describes or suggests a current sensor attached to the base with a support element and a housing positioned on the base to encapsulate the support element.

Lastly, though not mentioned by the Examiner or discussed during the interview of October 22, 2003, the leads 34 or 34' of the first and second implementations, respectively, do not serve to support the respective condition sensing device 32. As Harvey explains, the lead 34

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of the current sensing device 32 merely "runs through the solid dielectric body 14b and emerges from the bottom end 35 of the assembly 10." See Harvey at col. 4, lines 49-51.

For at least these reasons, claim 1 is allowable over Harvey. Claims 2-3, 6-9, 11, and 13 depend from claim 1 and are allowable for at least the reasons that claim 1 is allowable.

Enclosed is a \$420.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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